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Vice President, Regulatory Affairs

750 East Pratt Street, Suite 1600
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October 14, 2009

UN#09-435

Ms. Katharine McCarthy, Southern Regional Ecologist
Maryland Department of Natural Resources
Wildlife and Heritage Service
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401

Subject: Certificate of Public Convenience and Necessity, In the Matter of the Application of UniStar Nuclear Energy, LLC and UniStar Nuclear Operating Services, LLC for a Certificate of Public Convenience and Necessity to Construct a Nuclear Power Plant at Calvert Cliffs in Calvert County, Maryland. Case No. 9127
Condition Number 50 – Treatment of Showy Goldenrod

References: 1) UniStar Calvert Cliffs Nuclear Power Plant Units 3 and 4 Cooling System Selection and Site Layout Study, dated March 2006.
2) Final Rare Plant Survey Report for Proposed UniStar Nuclear Project Area Calvert Cliffs Nuclear Power Plant Site, Calvert County, Maryland, dated May 2007.

Dear Ms. McCarthy:

UniStar Nuclear Energy (UNE) is requesting confirmation by the Maryland Department of Natural Resources (MDNR), Natural Heritage Program, with regard to the fulfillment of the Certificate of Public Convenience and Necessity (CPCN) Condition Number 50 addressing the treatment of showy goldenrod (*Solidago speciosa*) occurring within the construction footprint of the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Project.

Background

On June 26, 2009, the Maryland Public Services Commission granted a CPCN to UNE for the construction and operation of a third reactor (Unit 3) at the CCNPP facility located near Lusby, Maryland. Approval of the project is subject to a number of conditions. One such condition, Number 50, contains recommendations related to the population of showy goldenrod that exists within the proposed project footprint. Condition Number 50 states:

“For the protection of showy goldenrod (*Solidago speciosa*), UniStar should take steps to avoid habitat alteration during the proposed construction activities. Mitigation for impacts to this population through transplanting individuals is discouraged. Transplanting of threatened or endangered plants is not considered a substitute for the protection of existing populations and may result in limited or no conservation value. However, since threatened and endangered plants are the property of the landowner, transplanting such species is not illegal provided the plants are not transported off the property. If such an action is pursued, UniStar shall adhere to DNR’s guidelines for the reintroduction of rare plants. Prior to construction, DNR Heritage botanists shall be afforded escorted access to the site to confirm the identity of the showy goldenrod.”

Existing Conditions

UNE has proposed to construct and operate a third reactor at the CCNPP facility. The project would affect approximately 460 acres of partially developed, forested, and previously disturbed land adjacent to the existing CCNPP Units 1 and 2 (enclosed Figure 1).

Various siting options were reviewed during the planning process for the proposed project. This review considered relevant engineering and environmental factors for potentially feasible alternative locations on the CCNPP site, including minimizing impacts to environmentally sensitive features known to occur on the site (Reference 1). UNE took care to site the proposed facility in such a way as to avoid and/or minimize impacts to natural and cultural resources, to the extent practicable. The project layout and design evaluation took into consideration environmental factors including:

- Extensive and sensitive wetlands to the north and west;
- Chesapeake Bay Critical Area to the east;
- Known cultural features including a cemetery on the southern end of the property, old tobacco barns, the Charles’ Gift site by the old Visitor’s Center, and Camp Conoy;
- Known onsite habitat and occurrence of state and federally protected threatened and endangered animal species. This included northeastern beach tiger beetle and Puritan tiger beetle, both federally threatened, along the shoreline of the Bay and nests of the bald eagle, then federally threatened, to the north, south, and west of the existing facilities.

- Known onsite habitat and occurrence of state and federally protected threatened and endangered plant species. This included the spurred butterfly-pea (*Centrosema virginianum*) for which MDNR has a recorded occurrence in an open area along a fire road in the western part of the CCNPP site south of Johns Creek.
- The dredge spoil landfill area west of the existing CCNPP facilities, created during the construction of Units 1 and 2, was determined to provide unsuitable foundation conditions for the proposed facility.

As the project planning activities progressed, field surveys of the preferred project area were conducted. Showy goldenrod was found to occur in the vicinity of Camp Conoy (Reference 2). Three patches of showy goldenrod were documented in and around the edge of the open field at Camp Conoy (enclosed Figure 2), totaling approximately 3,125 square feet (0.07 acres). The stands appear to be opportunistic and currently inhabit early successional old field and forest edge habitat, as well as bare sand areas of a former volleyball area within the project area.

In the fall of 2008, UNE contacted MDNR to arrange for a site visit to confirm identification of the Camp Conoy plants. MDNR declined a site visit and instead requested that a specimen be collected and provided to MDNR. This was done and the plant growing in Camp Conoy was verified as *Solidago speciosa* by Mr. Chris Frye, a botanist with MDNR, in October 2008.

Conclusion and Request

A project layout and design evaluation was conducted taking into account known environmentally and culturally sensitive resources. In addition, field surveys of the preferred project area were conducted to further refine information on possible sensitive resource occurrence. Based on the location of key infrastructure facilities and the constraints identified above, it was determined that the area where the showy goldenrod is located could not be avoided in whole or part. The < 0.10 acre stand occurs near the center of an area in which over 50 contiguous acres must be cleared and graded to facilitate the construction of CCNPP Unit 3. Shifting of this 50+ acre block to avoid the existing showy goldenrod stand and habitat area was not feasible without increasing impacts to other sensitive resources.

In addition, stands of the plant are located outside the project area along the transmission right-of-way (ROW) on the northern side of the CCNPP property. This transmission ROW is maintained in an early successional state by the forestry division of Baltimore Gas and Electric Company (BGE). The plant is also known to occur along other sections of BGE ROWs in the general area. BGE follows a transmission vegetation management program that is consistent with national utility industry standards and includes periodic mowing, along with selective cutting and spot application of herbicides, to control woody vegetation. Outside of the proposed project's footprint, the CCNPP property is predominately wooded. The transmission ROW with

its prescribed management regime is one of a very few areas onsite compatible with the showy goldenrod's habitat requirements, as is evidenced by its presence there and within other BGE ROWs in the general area. Given that the plant currently occupies this suitable habitat in the vicinity of the Camp Conoy population, and the management and use of the right-of-way are to continue in like manner into the foreseeable future, UNE does not propose any further mitigative activity with regards to the stands of showy goldenrod in Camp Conoy.

In conclusion, a process was followed and efforts were made to the extent practicable to avoid the showy goldenrod population and habitat within the CCNPP Unit 3 project area. MDNR Heritage was contacted, offered access to the site, and provided with a sample of the showy goldenrod in Camp Conoy. UNE believes that CPCN Condition Number 50 has been satisfied and seeks concurrence from Maryland Department of Natural Resources, Natural Heritage Program on this matter.

If you have any questions regarding this transmittal, please contact me at (410) 470-4205 or Yvonne Abernethy (803) 644-0146 extension 225.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Gibson', with a long horizontal flourish extending to the right.

Greg Gibson

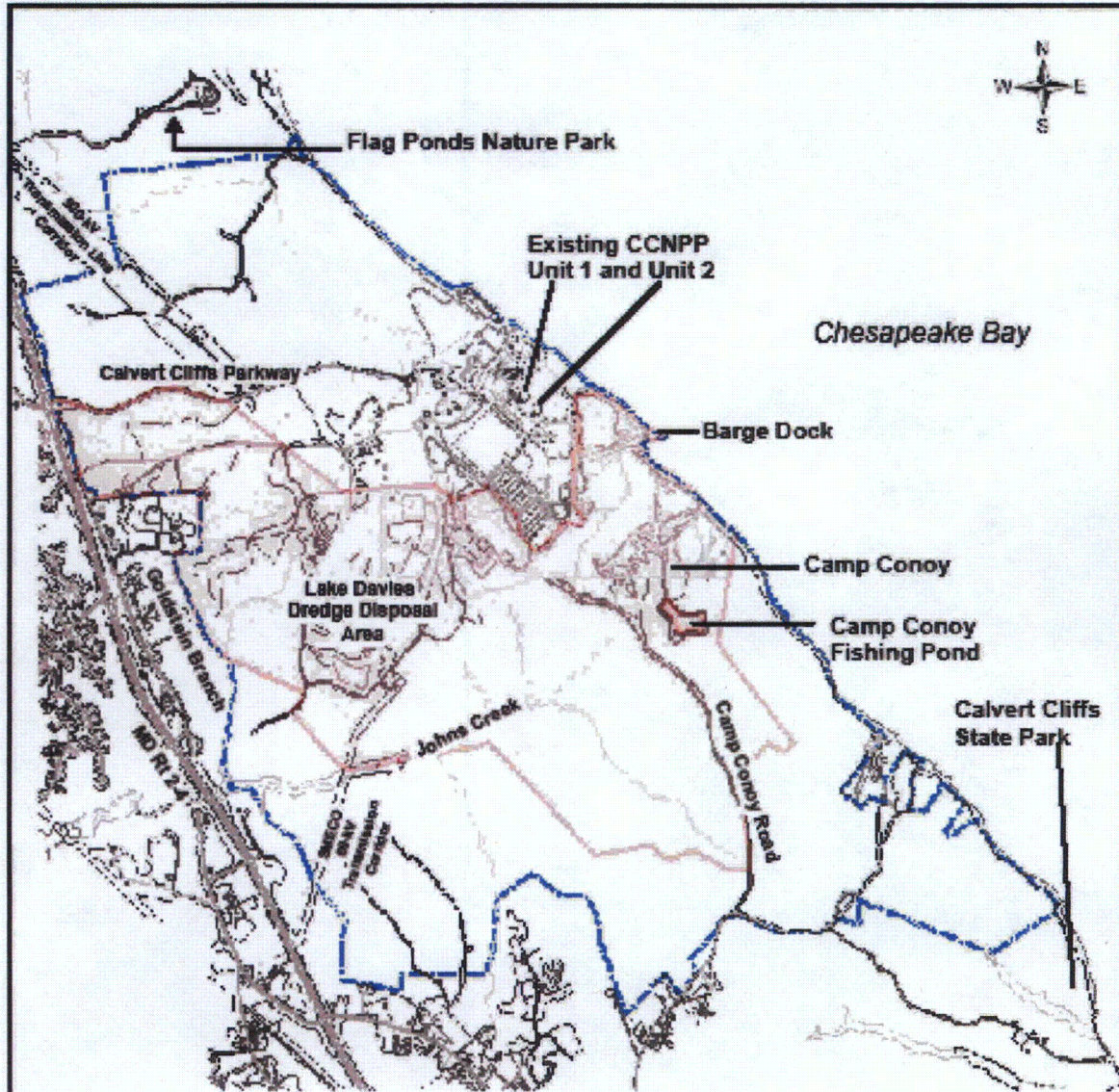
Enclosure – Figures Depicting Rare Plant Survey Area and Showy Goldenrod Stands, Calvert Cliffs Nuclear Power Plant, Calvert County, Maryland

cc: Susan Gray – Power Plant Research Program, MDNR
Brent Hare – Maryland Energy Administration
Laura Quinn – NRC Project Manager, Environmental Projects Branch 2

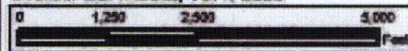
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Enclosure



**Figures Depicting
Rare Plant Survey Area
And
Showy Goldenrod Stands
Calvert Cliffs Nuclear Power Plant
Calvert County, Maryland**



Source: ESRI Data, V9.1, 2006



LEGEND

-  CCNPP Site Boundary
-  Survey Area

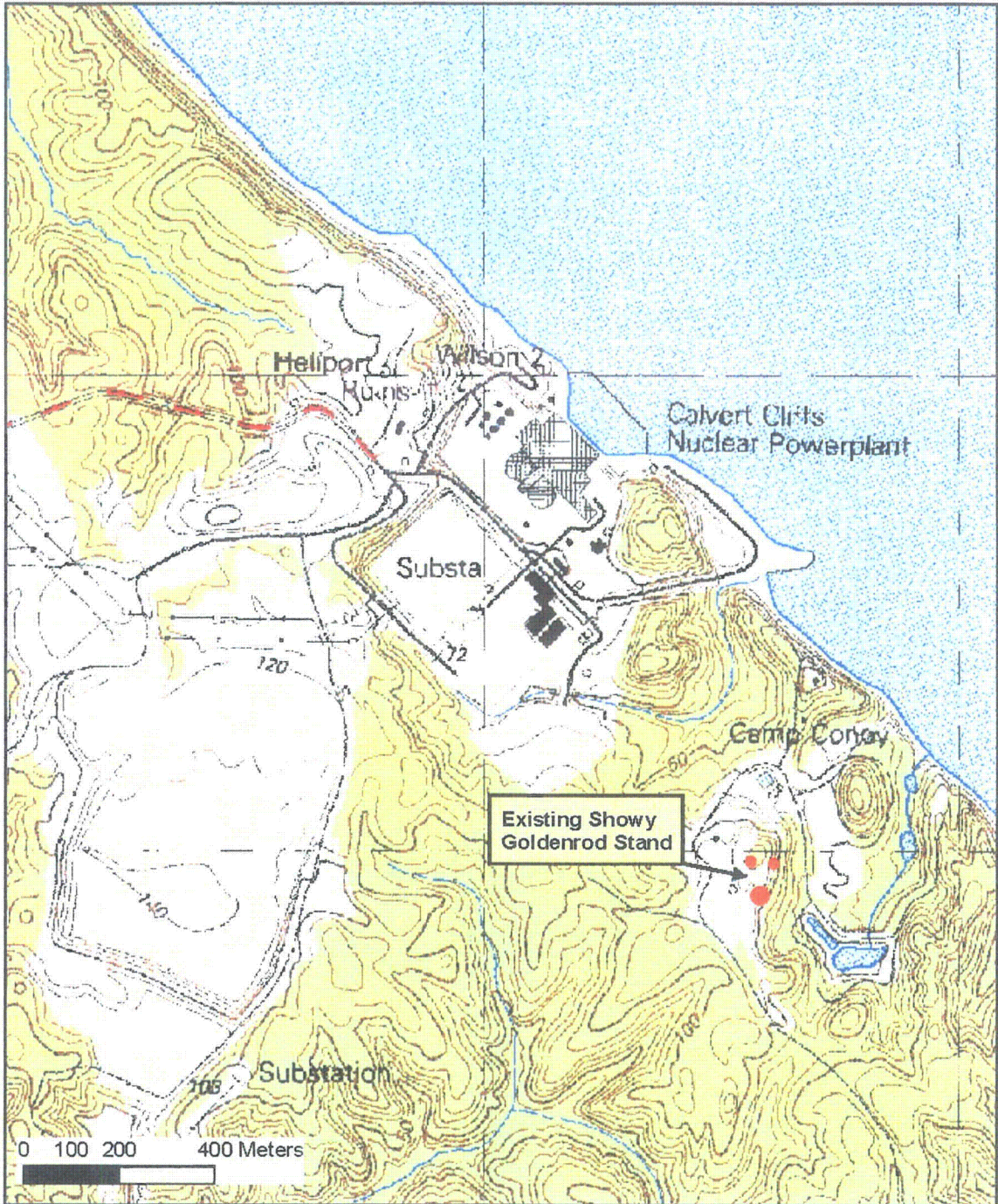



Tetra Tech NUS, Inc

FIGURE 1

CALVERT CLIFFS
NUCLEAR POWER PLANT
PROPOSED CCNPP
PROJECT RARE PLANT
SURVEY AREA

Map Document: (K:\GProject\Calvert Cliffs\maps\Figure 2- Showy Goldenrod Stands.mxd)
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 Tetra Tech NUS, Inc	<p>FIGURE 2 SHOWY GOLDENROD STANDS CALVERT CLIFFS NUCLEAR POWER PLANT</p>	SCALE AS NOTED	
		FILE Figure 2- Showy Goldenrod Stands.mxd	
		REV 0	DATE 7-23-09
		FIGURE NUMBER 2	